



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent application of Francis J. Bensur : Attorney Docket No.: 9325-37 (148069)
Serial No.: 09/783,795 : Group Art Unit: 1772
Filed: February 15, 2001 : Examiner:
For: LAMINATE PACKAGING MATERIAL : Nolan, Sandra

Handwritten notes and signatures:
12-23-02
ml

RESPONSE TO OFFICE ACTION

Commissioner for Patents
Washington, D.C. 20231

RECEIVED
DEC 19 2002
TC 1700

Sir:

This is in response to the office action for the above-identified application mailed from the U.S. Patent Office on August 12, 2002. This response is being filed within the first month after the shortened statutory response period set by the action. A request for an extension of time and the appropriate fee accompany this response.

Please charge any additional fee due, or credit any over-payment, to Deposit Account No. 50-0573.

**CERTIFICATE OF MAILING
UNDER 37 C.F.R. 1.8(a)**

I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on the date indicated below, with sufficient postage, as first class mail, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

BY

DATE:

Signature: Laura M. McFadyen
Date: December 12, 2002

AMENDMENT

Amend the application, without prejudice, as follows.

In the Claims:

9. (Amended) A pouch according to claim 8, wherein the polypropylene layers of the two laminate portions are joined by welding and wherein the bonding of adjacent layers within the laminate portions is not effected by the welding of the polypropylene.

REMARKS

Claims 1-23 are pending in the application and stand rejected. Reconsideration of all rejections is requested in light of the above amendment and the following remarks.

Claim 9 stands rejected as indefinite. Claim 9 has been amended to depend from claim 8 instead of claim 3. Claim 9 has also been amended to more definitively require welding of the polypropylene layers of the laminate portions and to require that the bonding of adjacent layers within the laminate is not effected by the welding of the polypropylene layers. Support for this amendment appears on page 3, lines 19-23 of the application as filed. It is respectfully requested that the rejection of claim 9 be withdrawn.

Claims 1-5, 7, 11-17, 19-21 and 23 stand rejected as obvious based on U.S. Pat. No. 5,763,028 to Matsumoto et al. and U.S. Pat. No. 6,407,155 to Qian et al. Claim 1 requires a laminate for a pouch including, among other things, a polyurethane adhesive bonding adjacent layers of the laminate. Claim 1 requires that the polyurethane adhesive include exfoliated clay platelets to form a gas barrier for the laminate.

Matsumoto '028 discloses a packaging bag for oxidizable articles such as foods or medicines. The bag is made from a laminate (Fig. 1) including an inner layer (1) of a heat sealable material such as polypropylene, an outer layer (5) of a plastic material such as polyester and an intermediate plastic layer (3). The laminate further includes an inorganic oxide layer (2) formed on the intermediate plastic layer to provide an oxygen barrier. Matsumoto '028 discloses that oxides of silicon, aluminum, titanium, tin or indium are suitable to form a gas barrier layer. The laminate of Matsumoto '028 further includes adhesive layers (4, 6) respectively located between the inorganic oxide barrier layer and the inner layer and between the intermediate plastic layer and the outer layer.